



Sprint Nextel
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Michael B. Fingerhut
Director
Government Affairs

December 13, 2006

BY ELECTRONIC DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Re: Petition for Waiver of Sprint Nextel Corporation, CG Docket No. 03-123

Dear Ms. Dortch:

Sprint is today filing a Supplement to its Petition for Waiver filed July 31 2006 in above-reference docket. Sprint is filing two versions of its Petition. One version is being filed under seal because the petition contains commercial, financial and other highly sensitive information that Sprint would not make publicly available. Thus, the petition qualifies for confidential treatment as provided for under 5 U.S.C. §552(b)(4) (Exemption 4) and 47 C.F.R. §0.457 of the Commission's Rules. This version is being delivered electronically to the Commission staff identified below. A second version of the petition, one that has been redacted, is being filed electronically with the Secretary's office for inclusion in the public docket.

Please contact me if you have any questions or need more information.

Sincerely,

cc: Monica Desai, FCC
Jay Keithley, FCC
Thomas Chandler, FCC

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Sprint Nextel Corporation)	
)	CG Docket No. 03-123
Compliance with the IP Relay Speed of Answer Standard)	
_____)	

SUPPLEMENT TO PETITION FOR WAIVER

Sprint Nextel Corporation ("Sprint"), on behalf of the Telecommunications Relay Services ("TRS") operations of its subsidiary Sprint Communication Company L.P. hereby respectfully supplements its July 31, 2006 Petition seeking a waiver of the speed-of-answer requirement set forth in Section 64.604(b)(2) of the Rules, 47 C.F.R. §64.604(b)(2), for its provision of IP Relay services for the period May 2005 through April 2006.¹ Sprint is submitting this supplement upon being informed by staff of the Consumer and Governmental Affairs Bureau ("CGB") that a more detailed explanation as to why Sprint failed to meet the 85/10 speed-of-answer standard on ___ days during this 12-month period would be helpful to the Commission as it evaluates the merits of Sprint's waiver request.²

¹ Under this rule, providers of IP Relay service must answer 85 percent of all IP Relay calls within 10 seconds, measured daily.

² As set forth in its Petition, Sprint has asked for a waiver of the 85/10 speed of answer standard "because it was instructed to do so" by CGB in a June 15 letter from Monica Desai CGB Chief to Sprint's Paul Ludwick "if it wished to avoid a forfeiture of all of the compensation it received from the Interstate TRS Fund, totaling _____ for providing IP Relay services" on these ___ days. However, it is Sprint's view that the Commission lacks "the authority under the Act to impose such forfeitures ...without first issuing a Notice of Apparent Liability (NAL)

Footnote continues on next page

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In its Petition and particularly in Appendix A attached thereto, Sprint provided a detailed analysis of the reasons why Sprint failed to meet the 85/10 speed-of-answer standard on the ___ days listed in the June 15 Letter. Sprint did so because it recognized that in order to demonstrate good cause and thereby obtain a waiver it had show that the particular facts involved in Sprint's provision of IP Relay service on the ___ days in question made strict compliance with the 85/10 standard inconsistent with the public interest. Specifically, Sprint explained that it missed the 85/10 standard because of excessive volumes, Petition at 12-13, Appendix A at 5-6, 10; adverse weather conditions, Petition at 13-14, Appendix A at 10; an inability to predict staffing needs due to the traffic volume volatility, Petition at 14-15, Appendix A at 7-8, 10; technical problems with Sprint's IP Relay network, Petition at 15-16, Appendix A at 10; and early morning traffic spikes, Petition at 16, Appendix A at 10.³

Sprint believes that the information it has already supplied is more than sufficient to demonstrate that Sprint's requested waiver is justified. Nonetheless, in response to the request from CGB staff, Sprint's TRS operations group has once again reviewed its records for the days at issue to determine if there is other information Sprint could supply the Commission to support its waiver request. The results of that review are as follows.

directing Sprint to show cause as to why such forfeiture should not be imposed." Petition at 1-2. By filing this supplement, Sprint does not suggest in any way that it has abandoned its position that the Commission's forfeiture demand here is *ultra vires*. Petition at 2-8.

³ Traffic spikes were included in an "Other" category because while such spikes were perhaps the main reasons why Sprint missed the 85/10 standard on the _ days included in this category, they may not have been the over-arching reason. Routing decisions and additional network call volumes appear to also have been contributing factors.

A. Excessive Volumes

As set forth in its Petition, excessive volumes was the primary reason why Sprint missed the 85/10 standard on ___ of the ___ days at issue. These excessive volumes were mainly attributable to the use of IP Relay by hearing individuals seeking to purchase large quantities of goods from US businesses with stolen or invalid credit cards. Indeed, after Sprint implemented its intervention program to help mitigate this problem, its IP Relay volumes decreased an average of _____. *See* Petition, Appendix A at 5-6.

For each excessive volume day, Sprint provided the percentage increase in calls computed by comparing the volume of calls on such day with the average volume of IP Relay calls handled by Sprint on the same day of the week for the four previous weeks. These increases ranged from _____ to _____. On average, Sprint handled _____ more calls during the business day on those days when Sprint's speed-of-answer performance fell short of the 85% than on days when Sprint's speed-of-answer performance was at or exceeded the 85% level (_____ calls as opposed to _____). *See* Petition at 12-13 and Appendix A at 5 and 10. The increased volumes simply overwhelmed available staff throughout the network causing Sprint to fall short of the 85/10 standard.

Upon again reviewing the records of its TRS operations for the days in question, Sprint discovered that the main reason for the excessive volume of calls on November 21, 2005 was not the inappropriate use of Sprint's IP Relay service.⁴ Rather, Sprint learned that its Florida TRS switch gateways (both English and Spanish became overloaded because the Florida State

⁴ There were approximately _____ calls from residents in Florida to Sprint's Florida Relay centers. On average, Sprint handled about _____ relay calls during the business day at those centers.

government had incorrectly listed the TRS numbers assigned to this center on hurricane assistance documents. As a result of this mistake, there was a significant increase in the volume of calls to the center which in turn overwhelmed available staff throughout the network causing Sprint to meet the 85/10 standard on only ____ of the calls.

B. Weather

In its July 31 Petition, Sprint informed the Commission that Sprint's failure to meet the 85/10 speed of answer standard on 5 of the days at issue was caused mainly by severe weather conditions. Sprint identified the weather systems involved, *i.e.*, Katrina, Wilma, Nor'easters, and went on to explain why such severe weather adversely impacted Sprint's speed-of-answer performance. Sprint pointed out that calling volumes increase when severe weather hits but that at the same time, the number of CAs available to handle such calls falls, since it may be difficult, if not impossible, for CAs to get to work due to flooding, downed power lines, etc. Petition at 13-14; Appendix A at 10.

Sprint's review of its records of its operations for these five days in the wake of CGB's request confirms that the number of calls was greater than normal and that Sprint efforts to maintain staffing even at normal levels proved challenging. Specifically,

- _____: The weather-related cause for Sprint's ____ answer speed performance was Katrina. IP Relay calls were ____ higher than normal while staffing was _____ below normal (measured on the basis of the number of hours worked).
- _____: The weather-related cause for Sprint's ____ answer speed performance was Wilma. IP Relay calls were ____ higher than normal while staffing was ____ below normal (measured on the basis of the number of hours worked).
- _____: The weather-related cause for Sprint's ____ speed of answer performance was Wilma and a Nor'easter spawned by Wilma. IP Relay calls to Sprint

- centers were ____ higher than normal and staffing was ____ higher than normal (measured on the basis of the number of hours worked).⁵
- ____: The weather-related cause for Sprint's ____ speed of answer performance was a Nor'easter. IP Relay calls to Sprint centers were ____ higher than normal and staffing was ____ higher than normal (measured on the basis of the number of hours worked).⁶
- ____: The weather-related cause for Sprint's ____ speed of answer performance was a Nor'easter. IP Relay calls to Sprint centers were ____ higher than normal and staffing was ____ below normal (measured on the basis of the number of hours worked).

C. Staffing

As set forth in its July 31 Petition, Sprint failed to meet the 85/10 requirement on five of the days during May 2005 through April 2006 twelve month period because of inadequate staffing levels. Sprint explained that its ability to accurately forecast traffic trends and schedule staffing levels accordingly was hampered by the volatility in the volume of IP Relay calls to Sprint's centers on any given day. *See* Petition at 14-15; *see also* Appendix A attached to the Petition at 8 showing the variance in monthly volumes since the service's inception.

Sprint's call center managers are responsible for scheduling sufficient staff for each 15 minute interval during the day. They attempt to fulfill this responsibility, in large measure, by anticipating call volumes. But as stated, predicting IP Relay call volumes on any given day is more of "an art than a science." Even if a call center manager bases staffing levels on the average number of IP Rely calls the center received on the same day of the week in the two or three preceding weeks, a spate of IP Relay calls from those seeking to defraud merchants can

⁵ The reason that staffing levels were slightly above normal was that Sprint management authorized CAs to work overtime that day in light of the fact that Sprint's answer speed performance in _____ was not satisfactory.

⁶ See footnote 5.

overwhelm available staff causing answer speed performance to fall. In fact, on two of the five days where Sprint's failure to meet the 85/10 requirement was primarily due to inadequate staffing levels – _____– Sprint received a very high number of such calls at its call centers during the overnight period when traffic volumes are usually low.

Sprint also did not have sufficient staff to handle an unusually high number of IP Relay calls on _____ and during the evening hours on _____ to enable it to meet the 85/10 standard for the entire day. And, Sprint call center managers appear to have miscalculated staffing needs on _____. Yet, Sprint missed the 85/10 answer speed standard by the slightest of margins on each of these three days (_____ respectively).

D. Technical Problems

As Sprint explained in its July 31 Petition, Sprint failed to meet the 85/10 standard on __ of the __ days at issue because of technical problems with the IP Relay servers that Sprint had installed into its network. Petition at 15-16. Sprint's further review of its records of TRS operations for these six days has revealed not only problems with the IP Relay servers but other technical glitches, *e.g.*, outages, that adversely affected Sprint's speed of answer performance on those days. These technical problems were as follows:

- _____: Because of problems with the IP servers, some agent positions were not releasing the call upon completion. Thus the agents at these positions were unable to take incoming IP Relay calls, even though they were no longer relaying a call. Also, Sprint encountered routing problems. In particular, the so-called intelligent call manager ("ICM") did not receive routing information in a timely manner, preventing it from routing the call to the next available entry gate in the switch. Thus, the ICM routed the call to the default entry gate, causing a "backup" and adversely affecting answer speed performance.
- _____: Sprint encountered the same technical problems it had on _____.
_____.

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- _____: Sprint encountered the technical problems it had on _____. In addition Sprint suffered an outage _____ which adversely affected answer speed performance.
- _____: Sprint suffered an outage at the _____ which lasted from _____. Thus, CAs in the _____ were unable to process calls during this period which in turn created a shortage of available CAs throughout Sprint's TRS network and adversely affected answer speed performance.
- _____: Because of problems with the IP servers, some agent positions at the Sioux Falls call center were not releasing the call upon completion. Thus the agents at these positions were unable to take incoming IP Relay calls, even though they were no longer relaying a call.
- _____: Sprint encountered call controller problems at _____ all centers which prevented CAs from processing calls for an extended period of time, creating a shortage of available CAs throughout Sprint's TRS network and adversely affected answer speed performance.

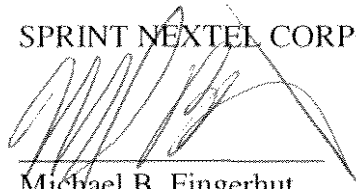
E. Other

As set forth in its petition, Sprint could not identify one over-arching cause as to why it missed the 85/10 speed-of-answer standard on _ of the ___ days at issue. It explained that "morning traffic spikes routing decisions, and additional network call volumes appear to have been contributing factors." Petition at 16. Based upon its review of its records of operations on these days in order to respond to the staff request for additional information, Sprint is able to confirm that there were traffic spikes during the _____ session on _____ and _____. Specifically, total relay calls during this time period on those days were respectively __, ____ and _____ higher than what Sprint would have expected based upon calling volumes in that period on the same day in prior weeks. The cause

for Sprint's failure to meet the 85/10 speed of answer performance on _____ was inadequate staffing levels.⁷

Respectfully submitted,

SPRINT NEXTEL CORPORATION



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Its Attorneys

⁷ Inadequate staffing also contributed to Sprint's failure to meet the 85/10 standard on _____.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Sprint Nextel Corporation)	
)	CG Docket No. 03-123
Compliance with the IP Relay Speed)	
of Answer Standard)	
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AFFIDAVIT OF MICHAEL LIGAS

I, Michael Ligas, being duly sworn, state under penalty of perjury as follows:

1. I am a Director in Sprint Nextel's Public Sector business unit. My business address is 12524 Sunrise Valley Drive, Reston, Virginia 20196-3438. I have overall responsibility for Sprint Nextel's provision of Telecommunications Relay Services (TRS). In particular, I have responsibility for Sprint's marketing and sales of Internet Relay, Video Relay and other relay products.

2. The purpose of my affidavit is to attest to the accuracy of the facts set forth in (1) Sprint Nextel's July 31, 2006 Petition for Waiver, filed under seal in this proceeding, in which Sprint Nextel demonstrated, *inter alia*, good cause as to why the Commission should grant Sprint Nextel a retroactive waiver of the 85/10 speed of answer standard on the relatively few days scattered throughout the period May 2005 through April 2006 when Sprint Nextel did not meet such standard in its provision of IP Relay; and (2) Sprint Nextel's Supplement to its Petition for Waiver filed December 13, 2006 in response to a request from the staff of the FCC for additional details as to why Sprint Nextel answer speed performance fell short of the 85/10 standard on the days at issue.

3. Sprint Nextel's waiver petition was filed in response to a letter dated June 15, 2006 to Mr. Paul Ludwick, a member of my staff, from Monica Desai, Chief Consumer & Governmental Affairs Bureau, Federal Communications Commission. The letter instructed Sprint Nextel to file such petition if it wished to avoid a forfeiture of all of the compensation it received from the Interstate TRS Fund for providing IP Relay services on those days where Sprint Nextel failed to meet the speed of answer standard.

4. Upon receiving the letter, Sprint Nextel's TRS Operations personnel undertook a detailed analysis of Sprint's TRS call center records on those days to determine to the extent possible the root causes for not meeting the speed of answer standard. The results of that analysis were provided in Appendix A attached to Sprint Nextel's waiver petition. I reviewed the analysis as well as the waiver petition prepared by Sprint Nextel's attorneys. The information presented is true and correct to the best of my knowledge and belief.

5. I have also reviewed the Sprint Nextel's Supplement and the data set forth therein. The information presented is true and correct to the best of my knowledge and belief.

6. This concludes my affidavit.


Michael Ligas

Sworn to and subscribed
before me, this 13th day of
December 2006.


Notary Public